

ADMINISTRATION

§ 30.61 Administration.

The Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, is charged with the supervision of the Division and the performance of all duties assigned thereto in the administration of the Tobacco Stocks and Standards Act. The conduct of all services, classification of leaf tobacco, or employment of inspection/grading/sampling personnel under these regulations shall be accomplished without discrimination as to race, color, religion, sex, or national origin. Information concerning such administration may be obtained from the Director.

PART 33—EXPORT APPLES AND PEARS

DEFINITIONS

Sec.

- 33.1 Act.
- 33.2 Person.
- 33.3 Secretary.
- 33.4 Carrier.
- 33.5 Apples.
- 33.6 Pears.
- 33.7 Package.
- 33.8 Less than carload lot.

REGULATIONS

- 33.10 Minimum requirements.
- 33.11 Inspection and certification

EXEMPTIONS

- 33.12 Apples and pears not subject to regulation.

WITHHOLDING CERTIFICATES

- 33.13 Notice.
- 33.14 Opportunity for hearing
- 33.15 Suspension of inspection
- 33.16 Service of notice or order

INTERPRETATIVE RULES

- 33.50 Apples and pears for processing.
- 33.60 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

AUTHORITY: Sec. 7, 48 Stat. 124; 7 U.S.C. 587.

SOURCE: 24 FR 6609, Aug. 14, 1959, unless otherwise noted.

DEFINITIONS

§ 33.1 Act.

Act and *Export Apple and Pear Act* are synonymous and mean "An act to promote the foreign trade of the United States in apples and/or pears, to protect the reputation of American-grown apples and pears in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes," approved June 10, 1933 (48 Stat. 123; 7 U.S.C. 581 *et seq.*).

§ 33.2 Person.

Person means an individual, partnership, association, corporation, or any other business unit.

§ 33.3 Secretary.

Secretary means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

§ 33.4 Carrier.

Carrier means any common or private carrier, including, but not being limited to, trucks, railroads, airplanes, vessels, tramp or chartered steamers whether carrying for hire or otherwise.

§ 33.5 Apples.

Apples means fresh whole apples in packages whether or not they have been in storage.

§ 33.6 Pears.

Pears means fresh whole pears in packages whether or not they have been in storage.

§ 33.7 Package.

Package means any container of apples or pears.

§ 33.8 Less than carload lot.

Less than carload lot means a quantity of apples in packages not exceeding 20,000 pounds gross weight or 400 standard boxes or equivalent, or a

quantity of pears in packages not exceeding 50,000 pounds gross weight or 1,000 standard boxes or equivalent.

[54 FR 29318, July 12, 1989]

REGULATIONS

§ 33.10 Minimum requirements.

No person shall ship, or offer for shipment, and no carrier shall transport, or receive for transportation, any shipment of apples or pears to any foreign destination unless:

(a) Apples grade at least U.S. No. 1 or U.S. No. 1 Early: *Provided*, That apples for export to Pacific ports of Russia shall grade at least U.S. Utility or U.S. No. 1 Hail for hail-damaged apples, as specified in the United States Standards for Apples (§§ 51.300–51.323 of this chapter): *Provided further*, That apples for export to any foreign destination do not contain apple maggot, and do not have more than 2 percent, by count, of apples with apple maggot injury, nor more than 2 percent, by count, of apples infested with San Jose scale or scale of similar appearance;

(b) Pears grade at least U.S. No. 2 as specified in the United States Standards for Summer and Fall Pears, such as Bartlett, Hardy, and other similar varieties (§§ 51.1260–51.1280 of this chapter), or in the United States Standards for Winter Pears, such as Anjou, Bosc, Comice, and other similar varieties (§§ 51.1300–51.1323 of this chapter), do not contain apple maggot, and do not have more than 2 percent, by count, of apples with apple maggot injury, nor more than 2 percent, by count, of apples infested with San Jose scale or scale of similar appearance: *Provided*, That the minimum quality requirements for pears exported to Pacific ports of Russia are as follows:

(1) Summer and fall pears shall be of one variety which are mature, hand picked, clean, sound and free from hard-end; and free from serious damage caused by broken skin, insects, disease, hail marks, limbrubs, heavy russet, or other means; and shall not be so excessively elongated or flattened as to preclude the cutting of one good half. Broken skin must not exceed 1/4 inch in diameter. The following definitions shall apply to all varieties:

Clean means reasonably free from dust, dirt, or honey dew.

Free from serious damage means defects when taken singly or collectively shall not seriously affect the edible or culinary value of the fruit.

Hand picked means that pears do not show evidence of rough handling or of having been on the ground.

Hard-end means pears which show an abnormally yellow or green color at the blossom end or an abnormally smooth rounded base with little or no depression at the calyx, or if the flesh near the calyx is abnormally dry and tough or woody. Pears affected by hard-end shall be considered defects. Rat-tail shaped pears, or second bloom pears that are tough or ridged shall be considered defects. At the time of packing, not more than 10 percent, by count, of any lot may be below the requirements of the grade, and not more than one-tenth of this amount shall be allowed for decay and/or breakdown. Slight imperfections which are not discernible in good commercial sorting practice shall not be considered as defects. Small inconspicuous skin breaks of less than 1/8 inch in diameter or depth shall not be considered as damage, and not more than 15 percent of the pears in any container may have not more than one skin break from 1/8 inch to 3/16 inch, inclusive, in diameter or depth. After pears have been placed in storage, or in transit; scald, breakdown, decay, bitter pit, or physical injury affecting keeping quality, which may have developed or may only have become evident after pears are packed, are defined as applying to condition rather than to grade. Pears also shall not contain apple maggot, and shall not have more than 2 percent, by count, of pears with apple maggot injury, nor more than 2 percent, by count, of pears infested with San Jose scale or scale of similar appearance;

Mature means having reached the stage of maturity which will insure a proper completion of the ripening process. Firmness of the flesh shall be considered only in connection with other factors to determine the degree of maturity. *Sound* means that pears at time of packing are free from visible defects such as decay, breakdown, scald, bitter